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12 *Attorney for Petitioner George Chester Arthur.

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 George Chester Arthur,

16 Petitioner,

17 v.

18 Warden Neven, *et al.*,

19 Respondents.

Case No. 2:14-cv-02083-RFB-CWH

**Unopposed Motion for Extension
of Time to File Reply**

(First Request)

1 **POINTS AND AUTHORITIES**

2 Petitioner George Chester Arthur respectfully asks this Court to enter an
3 Order extending his deadline for filing a reply in support of his § 2254 petition for
4 90 days until July 11, 2019.

5 Arthur filed a timely, counseled § 2254 petition on January 31, 2017.¹ The
6 matter was delayed by a court reporter, who took several months to finally provide
7 the necessary transcripts.² Following the filing of those transcripts, litigation of
8 Nevan's motion to dismiss ensued.³ During that time, neither party sought any
9 extensions.⁴ On December 11, 2018, this Court granted the motion in part,
10 dismissing Claim 2.3 from the petition.⁵ All of the other claims remained.⁶ Neven
11 received one extension before filing his 80-page Answer on February 25, 2019.⁷
12 Arthur's reply is due April 12, 2019.⁸

13 This is Arthur's first request for an extension to file his reply.

14 This extension is necessary to allow counsel time to prepare and file Arthur's
15 Reply. This case has 11 claims with multiple subclaims, and is unique because
16 Arthur obtained relief in the state district court before the Nevada Supreme Court
17 reversed.

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20 ¹ ECF No. 28. Arthur had previously filed a *pro se* habeas petition in December,
21 2014. On September 27, 2016, This Court stayed the matter to allow for completion
22 of his state habeas litigation. ECF No. 26. Arthur moved to lift the stay on the same
23 day that he filed his counseled § 2254 petition. ECF Nos. 27, 28.

24 ² ECF Nos. 48, 49, 50.

25 ³ ECF Nos. 51, 52, 53, 54.

26 ⁴ *Id.*

27 ⁵ ECF No. 55.

⁶ *Id.*

⁷ ECF No. 58.

⁸ ECF No. 55 at 2.

1 This request takes counsel's schedule into mind. Counsel expects to be out of
2 the office completely from April 26, 2019 through May 10, 2019 on medical leave.
3 She expects to work from home from May 13 through May 24, recovery permitting.
4 She will also be out of the office on June 6 to 7 for a Ninth Circuit oral argument in
5 Portland, Oregon, and from June 8 to 23 for a long-planned family vacation out of
6 the country. This requested extension gives counsel enough time to complete the
7 Reply in this case if she is unable to work remotely from May 13 to May 24 because
8 recovery is difficult.

9 Over the past two months, since learning of the need for medical leave,
10 counsel has been diligently working on her cases to complete as much as possible
11 before leaving. As a result, she was unable to complete the reply in this case.

12 This motion is not filed for the purposes of delay but in the interests of
13 justice, as well as in Arthur's interests. Accordingly, Arthur respectfully asks this
14 Court to grant the requested extension to July 11, 2019.

15 Counsel emailed Deputy Attorney General Michael J. Bongard on April 11,
16 2019 regarding this request and he replied that he did not object to the requested
17 extension.


1 Dated April 11, 2019.

2 Respectfully submitted,

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4 Rene L. Valladares
Federal Public Defender

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6 /s/Amelia L. Bizzaro
Amelia L. Bizzaro
7 Assistant Federal Public Defender

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10 IT IS SO ORDERED:

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12 _____
13 RICHARD F. BOULWARE, II
14 UNITED STATES DISTRICT JUDGE

15 DATED this 12th day of April, 2019.
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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Michael J. Bongard.

George Chester Arthur
No. 53897
North Dakota State Prison
PO Box 5521
Bismark, ND 58506

/s/ Jessica Pillsbury
An Employee of the
Federal Public Defender